

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 5/4/2018 2:09:51 PM
Subject: POLITICO's Morning Energy: Heightened vetting for Pruitt-related FOIAs — EPA narrows air permitting guidelines — Coolant industry: Global warming industry is so cool it's hot

By Kelsey Tamborrino | 05/04/2018 10:00 AM EDT

With help from Anthony Adragna, Eric Wolff and Emily Holden

ALL FOIA ONE, ONE FOIA ALL: You may need to have a little patience if you're waiting for EPA to ship over any documents about Administrator Scott Pruitt's activities. Freedom of Information Act requests that relate to Pruitt get an extra layer of vetting before they are released to the public, new internal [emails obtained by POLITICO](#) show. Top aides to the administrator, including chief of staff Ryan Jackson, perform the "awareness reviews" on all or most document requests related to Pruitt - on top of the reviews done by career experts. And that is contributing to the slow flow of information released under records requests at EPA, Pro's Alex Guillén reports.

The new vetting processes described in the emails are done before the agency releases essentially any documents involving the administrator. And the emails show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

In one exchange from last August, Jackson and Liz Bowman - the head of EPA's Office of Public Affairs who announced on Thursday she was [stepping down](#) - expressed concern about documents related to [comments](#) Pruitt made on CNBC disputing that carbon dioxide from human activities was the primary cause of climate change. "Why did Kevin Bogardus from E&E all of a sudden get a response to a FOIA today, without any awareness from our FOIA office?" Bowman wrote on Aug. 2, adding later that the deadline wasn't until the end of the month.

ME readers will [recall](#) from February that EPA has been flooded with FOIA requests under Pruitt, forcing many groups to sue for the release of documents. But the new emails, which EPA gave to the Natural Resources Defense Council following legal action, shed new light on the cloud of secrecy that surrounds the agency.

While Obama-era EPA officials said the agency sometimes used awareness reviews during their time at the agency when career staff thought documents would generate a lot of interest, FOIA experts say the extra vetting of documents appears to be on the rise under Pruitt. "This does look like the most burdensome review process that I've seen documented," said Nate Jones, director of the FOIA Project at George Washington University's National Security Archive. [Read more.](#)

HAPPY FRIDAY! I'm your host Kelsey Tamborrino, and the American Petroleum Institute's Khary Cauthen correctly guessed that Roger Taney - who was nominated for Treasury secretary - was rejected by the Senate, 18-28, in 1834. Not all hope was lost, however, as Taney went on to become a Supreme Court justice. For today: Who was the only member of the Continental

Congress to sign all four of the great state papers? Bonus points if you can name all four papers. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter [@kelseytam](https://twitter.com/kelseytam), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

EPA NARROWS GUIDELINES: EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements, Alex reports. The April 30 [memo](#) was sent by EPA air chief Bill Wehrum concerning the so-called common control designation, which says plants located near each other should be aggregated for permitting purposes and subject to stricter standards if they are operated by the same entity. Under the new guidance, that will include entities that can "dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements." The memo concerns a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies. Read [more](#).

ADD ADELSON'S NAME TO THE LIST: Yet another high-profile political ally emerged Thursday to have helped Pruitt arrange an international trip: GOP mega-donor Sheldon Adelson. According to new documents obtained by The Washington Post, Adelson arranged parts of Pruitt's canceled trip to Israel - where he was in part scheduled to unveil an agreement with Water-Gen, an Israeli water purification company championed by Adelson. Read the full report [here](#).

MORE INFO PLEASE: Four senior House Energy and Commerce Democrats - [Frank Pallone](#), [Paul Tonko](#), [Diana DeGette](#) and [Kathy Castor](#) - sent a [letter](#) to Pruitt Thursday asking for the names of three people Steven Hart - a lobbyist who was also married to the EPA chief's landlord - [recommended](#) for slots on the agency's Scientific Advisory Board. "Despite your earlier claims that J. Steven Hart had no clients with business before EPA, it is now clear that Mr. Hart did represent clients with business before your agency and, in fact, lobbied you on their behalf," they wrote.

MORE TIME PLEASE: Sixty-four Democrats signed onto a letter to Pruitt calling for a 90-day comment period on a his recent "secret science" proposal to ban the use of studies that don't publicly disclose all their data. "Given the large response from scientists and stakeholders before the rule was officially proposed, a comment period of 30 days will not allow for meaningful engagement from stakeholders," the letter states. Read it [here](#).

'NOT OKAY': Interior's inspector general found a male National Park Service regional office official made unwanted sexual advances toward a female employee on consecutive days that she told him were "not okay." The official retired before a scheduled interview and stopped responding to the IG. Read the report [here](#).

CLOVIS OUT ... AGAIN: Sam Clovis, a former Trump campaign aide who had been serving as the Agriculture Department's liaison to the White House, is departing the department and will return home to Iowa, a USDA official confirmed to POLITICO's Liz Crampton. The president had previously nominated him to be USDA undersecretary for research, education and economics, where he faced backlash for his lack of science credentials and ultimately withdrew his name from consideration for that position in November. Greens had also particularly focused

on Clovis for his comments that he did not believe in man-made climate change. Read [more](#).

COOLANT INDUSTRY: GLOBAL WARMING INDUSTRY IS SO COOL IT'S HOT:

The White House now has evidence that a global warming treaty limiting coolants would generate thousands of new jobs, and now it must decide whether to send the treaty to the Senate for ratification. A [report](#) released Thursday by the Air Conditioning Heating and Refrigeration Institute and the Alliance for Responsible Atmospheric Policy said that the amendment to the Montreal Protocol limiting use of hydrofluorocabrons, a greenhouse gas, would help American manufacturers who produce the bulk of the world's supply of advanced coolants. Ratifying the treaty would produce 33,000 additional jobs and an extra \$12.5 billion of annual manufacturing output.

The report is considered critical to help presidential aides persuade President Donald Trump to advance the treaty to the Senate, despite the president's aversion to multilateral treaties, his predecessor's accomplishments, and anything involving global warming. "U.S. ratification of the Kigali Amendment is good for American jobs, good for the economy, and crucial for maintaining U.S. leadership across the globe," said John Hurst, Chairman of The Alliance, and Vice President of Lennox International. He added, "Over 30 countries have ratified the amendment. America cannot afford to be on the sideline. America must continue to lead."

ZINKE HIRES GOP ADVISER FOR NPS: Interior Secretary Ryan Zinke hired Chuck Laudner, a Iowa Republican political consultant who was an [adviser](#) to Trump's campaign, for a position with the National Park Service, an Interior spokeswoman [confirmed](#) to Pro's Ben Lefevre. Laudner previously worked with Rick Santorum's presidential campaign in Iowa in 2012 and was executive director for the Iowa Republican Party from 2007-08. Interior hired Laudner "a few weeks ago," spokeswoman Heather Swift said, though she did not say what job he had taken.

MAY THE FOURTH BE WITH YOU: Zinke teased out some "Star Wars" related news on Thursday. In a video featuring the secretary walking alongside motorized BB-8 and R2-D2 toys, the droid rolls over an Interior logo. Zinke tweeted the video with a message: "Tomorrow is a big day. More to come. #MayTheFourthBeWithYou." [See it](#).

BLANKENSHIP ATTACKS McCONNELL'S "CHINA FAMILY": West Virginia GOP Senate hopeful Don Blankenship released another ad on Thursday attacking Majority Leader [Mitch McConnell](#). This time, the spot claims "Swamp Captain Mitch McConnell has created millions of jobs for China people." [The ad](#), which POLITICO's Alex Isenstadt reports on [here](#), is expected to start airing today. It closes with a shot of Blankenship holding two young children, one on each arm as he pronounces, "I will beat [Joe Manchin](#) and ditch cocaine Mitch for the sake of the kids." The ad arrives days ahead of the state's May 8 primary.

FOIA WHAT IT'S WORTH: The Montana-based Western Values Project filed a FOIA [request](#) to EPA in an effort to make public any communication about Zinke. The request includes all communications between select EPA employees that contain "Zinke," "RZ" or "Interior Secretary" and comes in response to a [report](#) in The Atlantic that alleges an EPA press employee planted stories about Zinke in order to distract from his boss. EPA spokesman Jahan Wilcox in a

statement to the Atlantic called the allegations "categorically false."

CLIMATE LAWMAKERS REBUT CARBON LEGISLATION: The Citizens' Climate Lobby released a rebuttal to Rep. Steve Scalise's concurrent resolution, H. Con. Res. 119 (115), which expresses the sense of Congress that a carbon tax would be detrimental to the U.S. economy. The climate lobby refutes the resolution, claiming that if done correctly, a tax or fee on carbon could boost the economy. Read the rebuttal here and the bill text here.

MAIL CALL! BIOFUELS WRITE TO EPA ON STRATEGY: A coalition of Midwest biofuels associations sent a letter Thursday to EPA asking it to move administrative time and staff away from Renewable Fuel Standard exemptions and instead toward approvals for cellulosic ethanol. "The discrepancy between the way EPA is handling RFS exemptions and cellulosic ethanol pathway approvals tells you everything you need to know about how this EPA is treating the RFS," said Iowa Renewable Fuels Association Executive Director Monte Shaw in a statement. Read the letter.

- **The Business Council for Sustainable Energy**, a coalition of companies and trade associations, wrote to members of Congress on Thursday, asking that they reauthorize energy title programs in the farm bill, H.R. 2 (115). "It is essential that a healthy, robust bipartisan energy title continue as part of new comprehensive agriculture legislation," writes the group's president, Lisa Jacobson. The letter also lays out potential improvements to the programs. Read it here.

- **Congressional Western Caucus Chairman Paul Gosar led 18 lawmakers in a letter** requesting Pruitt reverse course and proceed with an intention to withdraw the Obama-era EPA's preemptive veto of the Pebble Limited Partnership mining project under Section 404(c) of the Clean Water Act. They write that EPA's January decision not to overturn the preemptive vote "has sowed tumult for interested parties."

VW'S WINTERKORN CHARGED: Former Volkswagen AG leader Martin Winterkorn was charged with conspiracy and wire fraud in connection with the company's long-running emissions cheating scheme, according to an indictment unsealed Thursday by the Justice Department. The indictment, issued by a federal grand jury sitting in the Eastern District of Michigan, charged Winterkorn with four counts of violating federal law. The first count charges that he conspired with other senior executives and Volkswagen employees to defraud customers, the United States and violate the Clean Air Act by making false representations about the company's supposedly "clean diesel" vehicles. The other three counts concern wire fraud tied to the scheme. More from Pro's Lauren Gardner here.

GOING OUT WEST: New Mexico Sen. Martin Heinrich delivers a keynote address today at the Outdoor Economics Conference, and he's expected to discuss his legislation to establish the White Sands National Monument as a national park, as well as discuss the outdoor recreation industry in the region. Watch it live here.

REPORT: GRID RESILIENCY IN THE FACE OF NUCLEAR CLOSURES: A new IHS Markit report released Thursday examines the effect of five nuclear closures in the PJM

Interconnection, finding the closures will reduce annual net benefits for consumers from PJM grid-based electricity by about \$8 billion per year over 2013-2016. That "translates into a consumer net benefit per kilowatt-hour of PJM nuclear generation of about 3 cents per kWh," the report found. The report was prepared for Nuclear Matters, an industry-funded organization. Read it [here](#).

MOVER, SHAKER: The Joseph Rainey Center for Public Policy, a think tank focused on sustainable politics and inclusive governance, has named Sarah Hunt its founding CEO. Hunt previously was director at the Center for Innovation and Technology at the American Legislative Exchange Council.

HITTING THE ROADMAP: The Delta Institute released a "Coal Plant Redevelopment Roadmap" on Thursday to provide insight into coal-impacted municipalities and their transition processes. Modules in the roadmap will show economic and environmental impacts, as well as provide information on engagement strategies for such communities, among other topics. See it [here](#).

ON THE POD: NPR's podcast, Embedded, released a new episode Thursday on coal in Buchanan County, Va. Listen [here](#).

QUICK HITS

- Continental Resources' Harold Hamm credits OPEC for boosting oil prices, [Reuters](#).
- Pruitt reimbursed himself \$65,000 from Oklahoma attorney general campaign, [CNN](#).
- Texas officials ignore dioxin spread in Houston waterways, [Associated Press](#).
- Gassy earthquakes near Istanbul may pose new risks to region, [The New York Times](#).

THAT'S ALL FOR ME!

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